

Governor's Land Use Agenda
Accessory Uses on Agricultural Lands
Proposed Bill 2nd draft -- October 17, 2005

INTENT: Expand the types of activities that are allowed on agricultural lands, to provide supplemental income for farmers while maintaining the rural character of the landscape as defined by local government.

Summary of Changes from first draft:

- Deleted the reference to “regional” agricultural products
- Replaced the phrase “secondary to” with references to size, scale, intensity and character

Sec. 1. RCW 36.70A.177 (Agricultural lands -- Innovative zoning techniques -- Accessory uses.) is amended to read as follows:

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. A county or city ~~may allow~~ ~~should encourage~~ nonagricultural uses on designated agricultural resource lands in accordance with (3) below, but should encourage them to be located on limited to lands with poor soils or otherwise less ~~not~~ suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including non-agricultural related uses, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3)(a) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(~~ai~~) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses ~~and shall be accessory to the growing of crops or raising of animals~~;

(~~bii~~) Accessory ~~commercial or retail~~ uses may include:

(i) agricultural activities, including but not limited to the shall predominately production, storage, or sell distribution and marketing of regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site, including support services that facilitate these uses. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site; and

(ii) non-agricultural related activities as long as they are compatible in size, scale and intensity with, and will not interfere with, the agricultural use of the property and neighboring properties; and are consistent with the rural character as defined by the local government according to RCW 36.70A.030(14); and,

(ciii) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size, and scale and intensity of the existing agricultural use of the property and the existing buildings on the site, but shall not otherwise convert agricultural land to nonagricultural uses.

~~—(b) Accessory uses may include compatible commercial or retail uses including, but not limited to:~~

~~—(i) Storage and refrigeration of regional agricultural products;~~

~~—(ii) Production, sales, and marketing of value-added agricultural products derived from regional sources;~~

~~—(iii) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;~~

~~—(iv) Support services that facilitate the production, marketing, and distribution of agricultural products; and~~

~~—(v) Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.~~